Top-10 Misconceptions About Right To Work Laws

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2012 saw two states adopt new right to work laws: Indiana and Michigan. As a result, the concept of right to work has been prominent in the news for the first time in decades. From the recent protests in Michigan, as well as those earlier in the year, it would seem that many protesting do not understand what a right to work law does and does not do. The label “right to work” has become been so laden with the baggage of being anti-union, that few beyond labor lawyers and union officials understand what these laws are and what they do.

In the face of these misconceptions, here are 10 facts about right to work laws:

1. Right to work laws do not ban collective bargaining;
2. Right to work laws do not prohibit employees from joining unions;
3. Right to work laws do not invalidate existing collective bargaining agreements;
4. Right to work laws do not make it more difficult for unions to organize non-union workers;
5. Right to work laws do not outlaw strikes;
6. Right to work laws do not allow employers to discriminate against employees because of their union activity;

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7. Right to work laws do not allow employers to fire strikers;
8. Right to work laws do not allow employers to ignore lawfully selected employee unions;
9. Right to work laws do not allow employers to cut employee pay; and
10. Right to work laws do not take away any rights from the employees as opposed to unions.

What right to work laws do is simply take away the ability of a union to force an employer to fire an employee if the employee does not want to pay the union the costs of union dues and/or initiation fees. In non-right to work states, Federal labor law permits an exception to the discrimination provisions in the statute and permit unions to require that employers fire employees who do not pay money to the union.

Big unions hate these laws because it hurts them economically. They cannot impose upon employees—frequently without any choice on the employees' part—the obligation to pay the union money for the privilege of keeping their jobs. Unions hate these laws, not because it impacts the rights of the employees, but because it hits the unions and their officials in their piggy banks. The fewer union-dues payers, the less money there is for the unions to pay their officers and employees. In addition, when workers choose not to join a union, they remain free of any threat of union discipline (expulsion or fines) if they choose not to follow the union's rules. This means the union officials have less power over the workers whose interests they are supposed to represent.

Thus, while right to work laws make things harder for unions, there can be no doubt that they preserve rights and freedoms for individual workers.